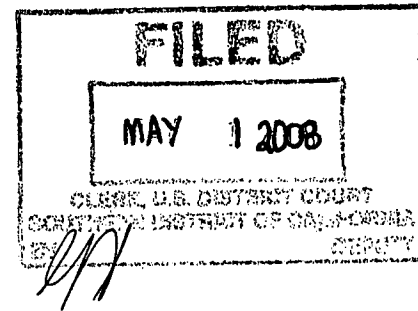


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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, )  
11 )  
12 Plaintiff, )  
13 v. )  
14 BENITO DE JESUS ZAMORA ARIZAGA )  
(2), )  
15 Defendant. )

Case No. 07CR3407-IEG

**STIPULATION OF FACT AND JOINT  
MOTION FOR RELEASE OF  
MATERIAL WITNESS AND ORDER  
THEREON**

16 **IT IS HEREBY STIPULATED AND AGREED** between the plaintiff, UNITED STATES  
17 OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and Christina  
18 M. McCall, Assistant United States Attorney, and defendant BENITO DE JESUS ZAMORA  
19 ARIZAGA, by and through and with the advice and consent of defense counsel, Sylvia Baiz, Esq.,  
20 that:

21 1. Defendant agrees to execute this stipulation on or before the change-of-plea hearing  
22 date and to participate in a full and complete inquiry by the Court into whether defendant knowingly,  
23 intelligently and voluntarily entered into it. Defendant agrees further to plead guilty to count 2 of  
24 the Indictment charging defendant with a non-mandatory minimum count of Bringing in Illegal  
25 Aliens Without Presentation, in violation of 8 U.S.C. § 1324(a)(2)(B)(iii) and 18 U.S.C. § 2.

26 //

27 //

28 //

1           2. Defendant acknowledges receipt of a plea agreement in this case and agrees to  
2 provide the signed, original plea agreement to the Government prior to the disposition date set by  
3 the Court.

4           3. The material witness, Lorenza Ines Ramirez Sanchez, in this case:

- 5           a. Is an alien with no lawful right to enter or remain in the United States;  
6           b. Entered or attempted to enter the United States illegally on or about  
7 December 10, 2007;  
8           c. Was found in a vehicle driven by the co-defendant at the Calexico, California  
9 West Port of Entry and that Defendant knew or acted in reckless disregard of the fact that she was  
10 an alien with no lawful right to enter or remain in the United States;  
11           d. Was paying, or having others pay on her behalf, \$3,800 to others to be brought  
12 into the United States illegally and/or transported illegally to her destination therein; and,  
13           e. May be released and remanded immediately to the Department of Homeland  
14 Security for return to their country of origin.

15           4. After the material witness is ordered released by the Court pursuant to this stipulation  
16 and joint motion, if defendant does not plead guilty to the charge set forth above, for any reason, or  
17 thereafter withdraws her guilty plea to that charge, defendant agrees that in any proceeding,  
18 including, but not limited to, motion hearings, trial, sentencing, appeal or collateral attack, that:

- 19           a. The stipulated facts set forth above shall be admitted as substantive evidence;  
20           b. The United States may elicit hearsay testimony from arresting agents  
21 regarding any statements made by the material witness(es) provided in discovery, and such testimony  
22 shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements against interest  
23 of (an) unavailable witness(es); and,  
24           c. Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004),  
25 "testimonial" hearsay statements are not admissible against a defendant unless defendant confronted  
26 and cross-examined the witness(es) who made the "testimonial" hearsay statements, defendant  
27 waives the right to confront and cross-examine the material witness(es) in this case.

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5. By signing this stipulation and joint motion, defendant certifies that defendant has read it (or that it has been read to defendant in defendant's native language). Defendant certifies further that defendant has discussed the terms of this stipulation and joint motion with defense counsel and fully understands its meaning and effect.


Based on the foregoing, the parties jointly move the stipulation into evidence and for the immediate release and remand of the above-named material witness to the Department of Homeland Security for return to their country of origin.

It is STIPULATED AND AGREED this date.

Respectfully submitted,

KAREN P. HEWITT  
United States Attorney

Dated: 5-1-08

  
CHRISTINA M. McCALL  
Assistant United States Attorney

Dated: 4/30/08

  
Sylvia Baiz  
Defense Counsel for Benito De Jesus Zamora Arizaga

Dated: 5/1/08

  
BENITO DE JESUS ZAMORA ARIZAGA  
Defendant

Stipulation of Fact and Joint Motion for Release of  
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**ORDER**

Upon joint application and motion of the parties, and for good cause shown,

**THE STIPULATION** is admitted into evidence, and,

**IT IS ORDERED** that the above-named material witness be released and remanded forthwith to the Department of Homeland Security for return to her country of origin.

**SO ORDERED.**

Dated: 5-1-08

  
United States Magistrate Judge

Stipulation of Fact and Joint Motion for Release of  
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